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**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-120-2009-0025-CX

PROJECT NAME: Renewal of livestock grazing permits # 051730 for Elk Mountain Ranch (John Ninesling) on Allotment 07502 (Elk Mountain), # 051795 for Darwin (Kayo) Scholl and # 050030 for Duane Scholl on Allotments 07500 (Breeze) and 07507 (Scholl), # 051802 for Jay Precourt on Allotment 07563 (Skylark), # 051812 for Gary Scheimer on Allotment 07510 (Thompson), and # 051706 for Bruchez and Sons on Allotment 07533 (W Cedar Ridge) and livestock grazing lease # 051921 for Grand Colorado Ranches LLC (Bruchez) on Allotment 07769 (Mayhoffer D)

LEGAL DESCRIPTION: Kremmling Field Office (KFO) administered land includes all or part of the following:

Allotment 07502 (Elk Mountain)
T. 2 N., R. 79 W., Sec. 13, 14, 23, 24

Allotment 07500 (Breeze)
T. 1 N., R. 78 W., Sec. 5-8
T. 1 N., R. 79 W., Sec. 1, 2, 11, 12
T. 2 N., R. 78 W., Sec. 31
T. 2 N., R. 79 W., Sec. 25, 35, 36

Allotment 07507 (Scholl)
T. 1 N., R. 79 W., Sec. 3
T. 2 N., R. 79 W., Sec. 14, 15, 22, 23, 26, 27, 33-35

Allotment 07563 (Skylark)
T. 1 N., R. 78 W., Sec. 19, 20

Allotment 07510 (Thompson)
T. 1 N., R. 78 W., Sec. 3
T. 2 N., R. 78 W., Sec. 21, 22, 27, 28, 33-35

Allotment 07533 (W Cedar Ridge)
T. 1 N., R. 79 W., Sec. 17, 20-22

Allotment 07769 (Mayhoffer D)
T. 1 S., R. 79 W., Sec. 6

APPLICANTS: Elk Mountain Ranch, Darwin (Kayo) Scholl, Duane Scholl, Jay Precourt, Gary Scheimer, Grand Colorado Ranches, and Bruchez and Sons.

DESCRIPTION OF PROPOSED ACTION: The Proposed Action would renew the following livestock grazing permits:

- # 051730 for Elk Mountain Ranch Inc. on Allotment 07502 (Elk Mountain),
- # 051795 for Darwin (Kayo) Scholl,
- # 050030 for Duane Scholl on allotments 07500 (Breeze) and 07507 (Scholl),
- # 051802 for Jay Precourt on Allotment 07563 (Skylark),
- # 051812 for Gary Scheimer on Allotment 07510 (Thompson),
- # 051706 for Bruchz and Sons on Allotment 07533 (W Cedar Ridge),

and livestock grazing lease # 051921 for Grand Colorado Ranches LLC on Allotment 07769 (Mayhoffer D). These permits and lease expire on February 28, 2009. The permittees and lessee have applied to have their permits and lease renewed. Implementation of the Proposed Action would renew these permits and lease for a period of ten years beginning on March 1, 2009. The permits and lease would be renewed with no changes to the number or kind of livestock, season of use, or amount of authorized livestock grazing preference expressed in AUMs*.

* AUM = animal unit months = the amount of forage needed to support one cow and her calf for one month.

The renewed livestock grazing permits and lease would authorize livestock grazing to the following extent:

Permit/ Lease	Allotment	Pasture	Livestock		Season of Use	Percent Public Land	AUMs
			Number	Kind			
051730	07502	Elk Mtn	70	Cattle	07/01 – 09/15	70	124
051795	07507	K1	50	Cattle	05/01 – 03/30	5	5
051795	07507	K2	73	Cattle	05/01 – 05/30	10	7
			25	Cattle	06/15 – 08/31	10	6
051795	07507	K3	28	Cattle	06/25 – 07/31	5	2
051795	07507	K4	136	Cattle	06/20 – 06/27	100	36
051795	07500	K1	100	Cattle	05/15 – 06/10	100	89
051795	07500	K2	150	Cattle	11/14 – 12/15	100	158
051795	07500	K3	168	Cattle	11/14 – 12/15	89	157
050030	07500	D1	100	Cattle	05/15 – 06/10	100	89
050030	07500	D2	150	Cattle	11/14 – 12/15	100	158
050030	07507	D1	83	Cattle	05/15 – 06/14	90	76
			83	Cattle	11/15 – 12/15	90	76
050030	07507	D2	77	Cattle	08/01 – 09/15	20	23

051802	07563		35	Cattle	05/25 – 06/25	100	37
051812	07510		75	Cattle	06/01 – 10/10	77	251
051706	07533		118	Cattle	09/01 – 09/30	100	116
051921	07769		7	Cattle	06/01 – 07/31	100	14

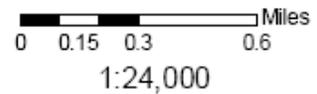
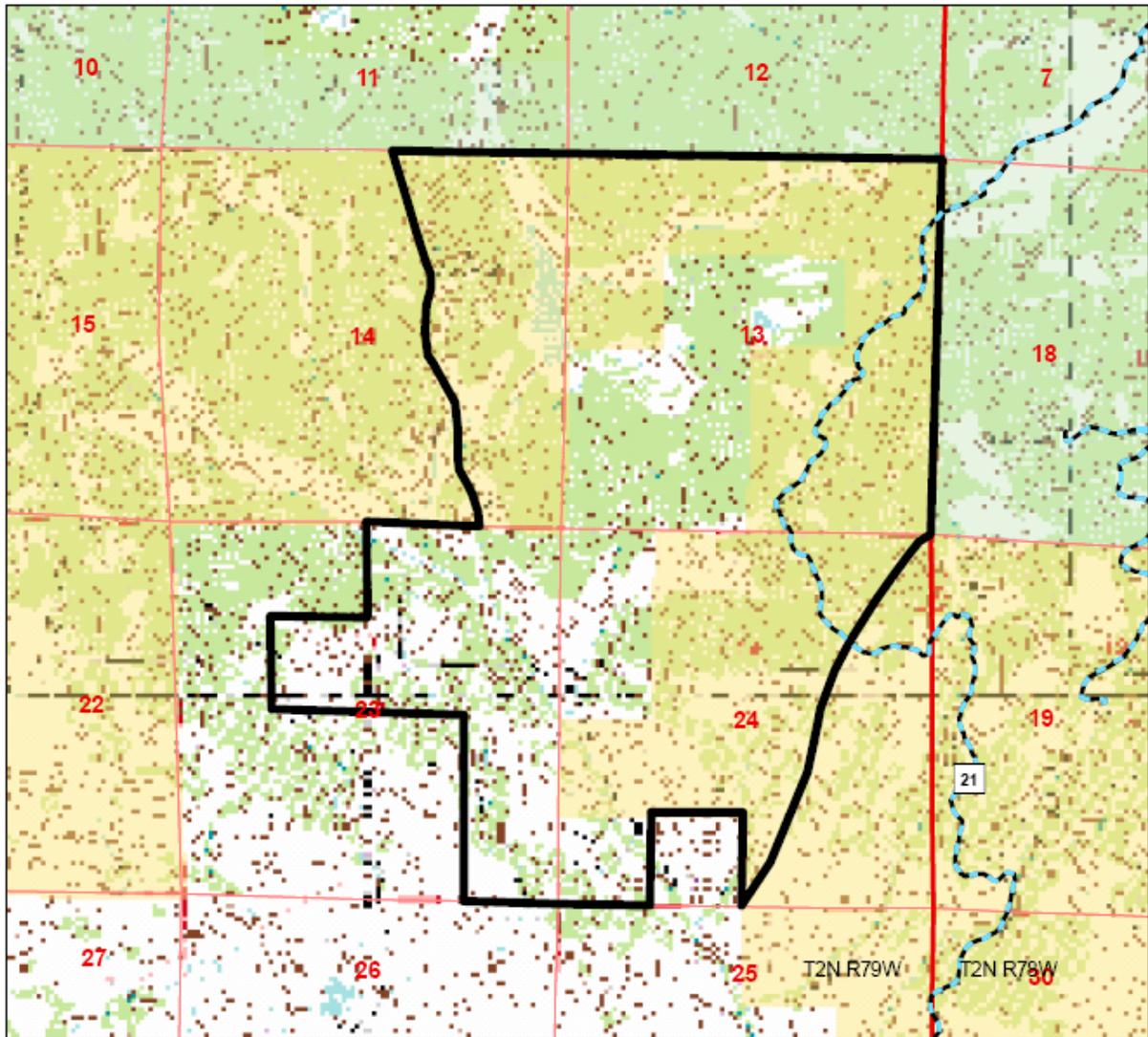
Allotment 07500 (Breeze) and Allotment 07507 (Scholl) are improve category “I” allotments. They were both assessed for compliance with the Standards for Public Land Health in Colorado (Standards) by an interdisciplinary (ID) team from the Kremmling Field Office on July 12, 2006. The ID team determined these two allotments are in compliance with the Standards.

Allotment 07510 (Thompson) is an “I” category allotment that does not have any issues or concerns. The allotment was assessed for compliance with the Standards on June 21, 2007, by the Kremmling Field Office ID team. It was determined that Allotment 07510 (Thompson) is in compliance with the Standards.

Allotments 07502 (Elk Mountain), 07563 (Skylark), 07533 (W Cedar Ridge) and 07769 (Mayhoffer D) are all custodial category “C” allotments. These allotments do not require assessment for compliance with the Standards. However, all four allotments were monitored in 2008, and no issues or concerns were identified on any of these allotments.



07502 ELK MOUNTAIN

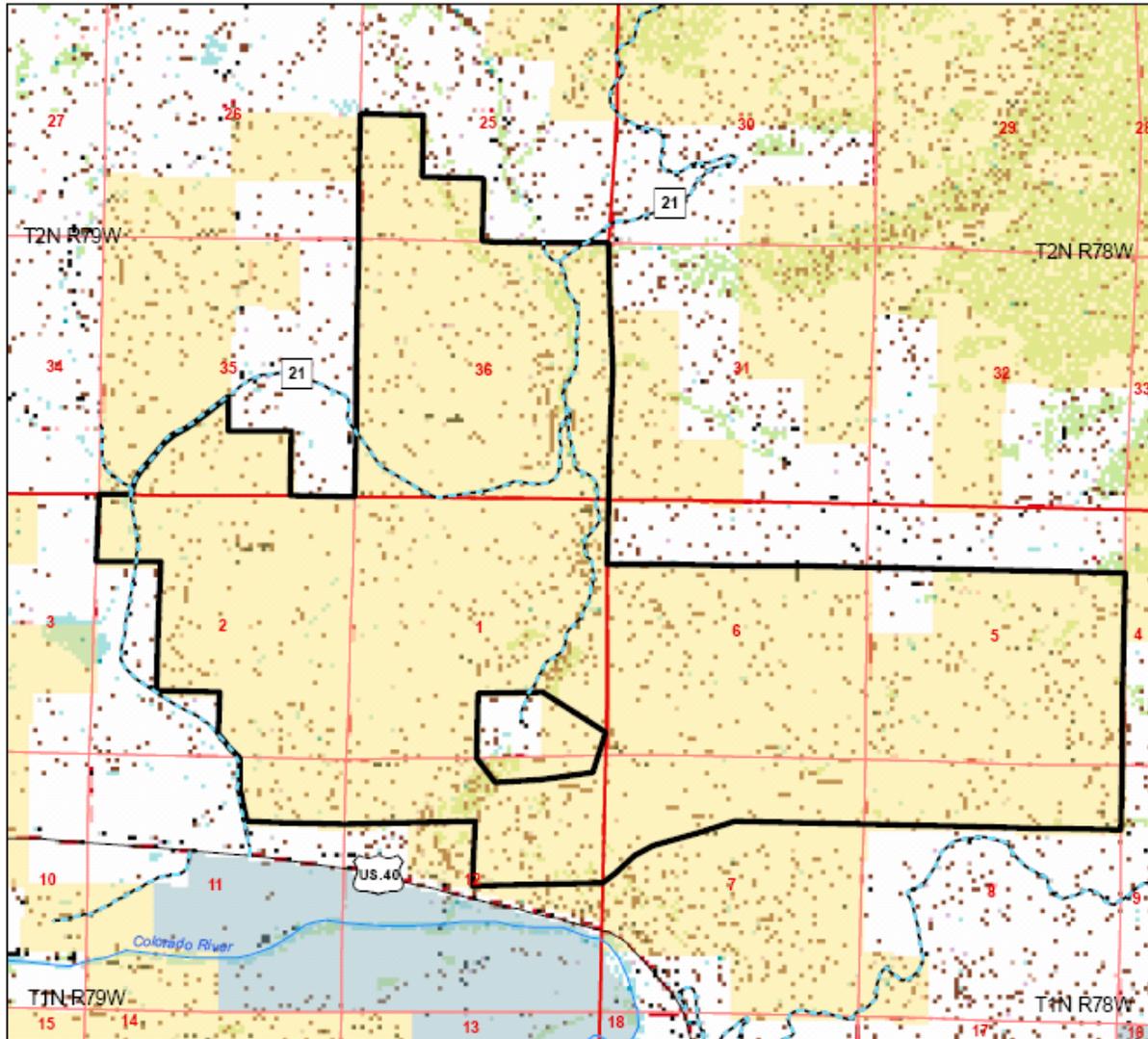


No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Parshall, Corral Peaks
BLM, Kremmling FO 10/17/2008



07500 BREEZE



0 0.15 0.3 0.6 Miles

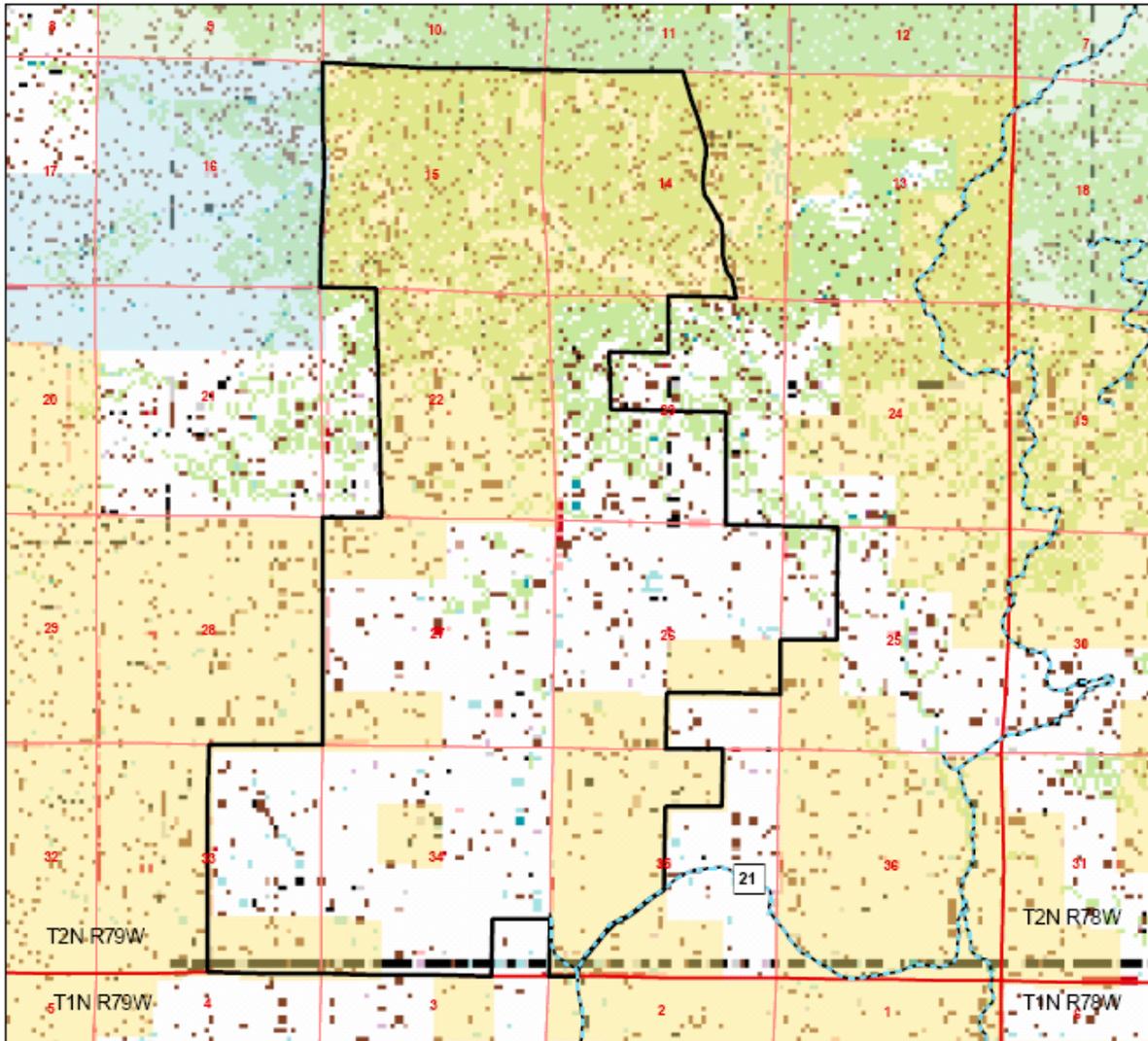
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No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Parshall BLM, Kremmling FO 10/17/2008



07507 SCHOLL



0 0.25 0.5 1 Miles

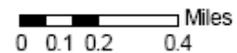
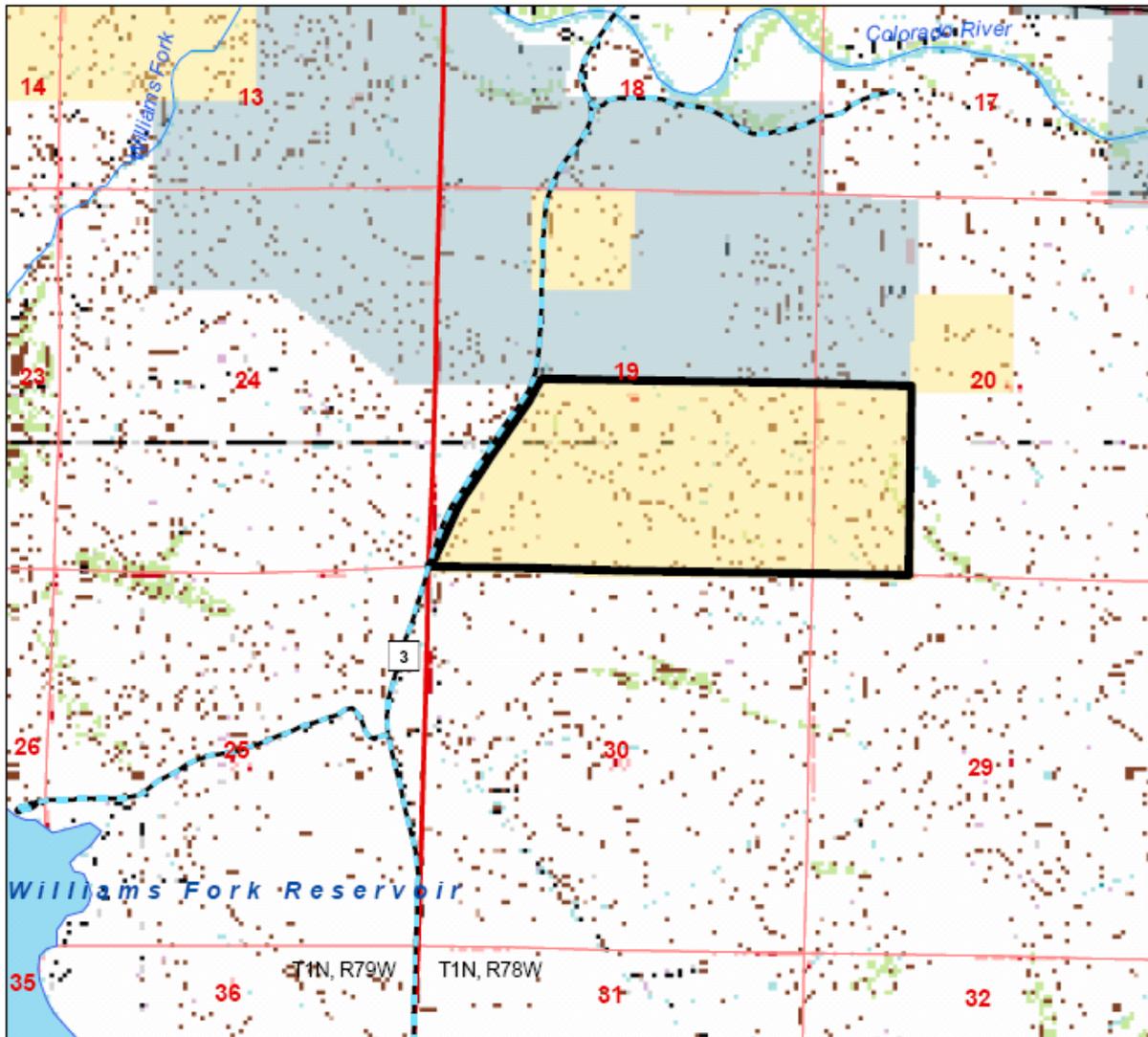
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Maps: Parshall, Gunsight Pass, Junction Butte, Corral Peaks BLM, Kremmling FO 10/17/2008



07563 SKYLARK



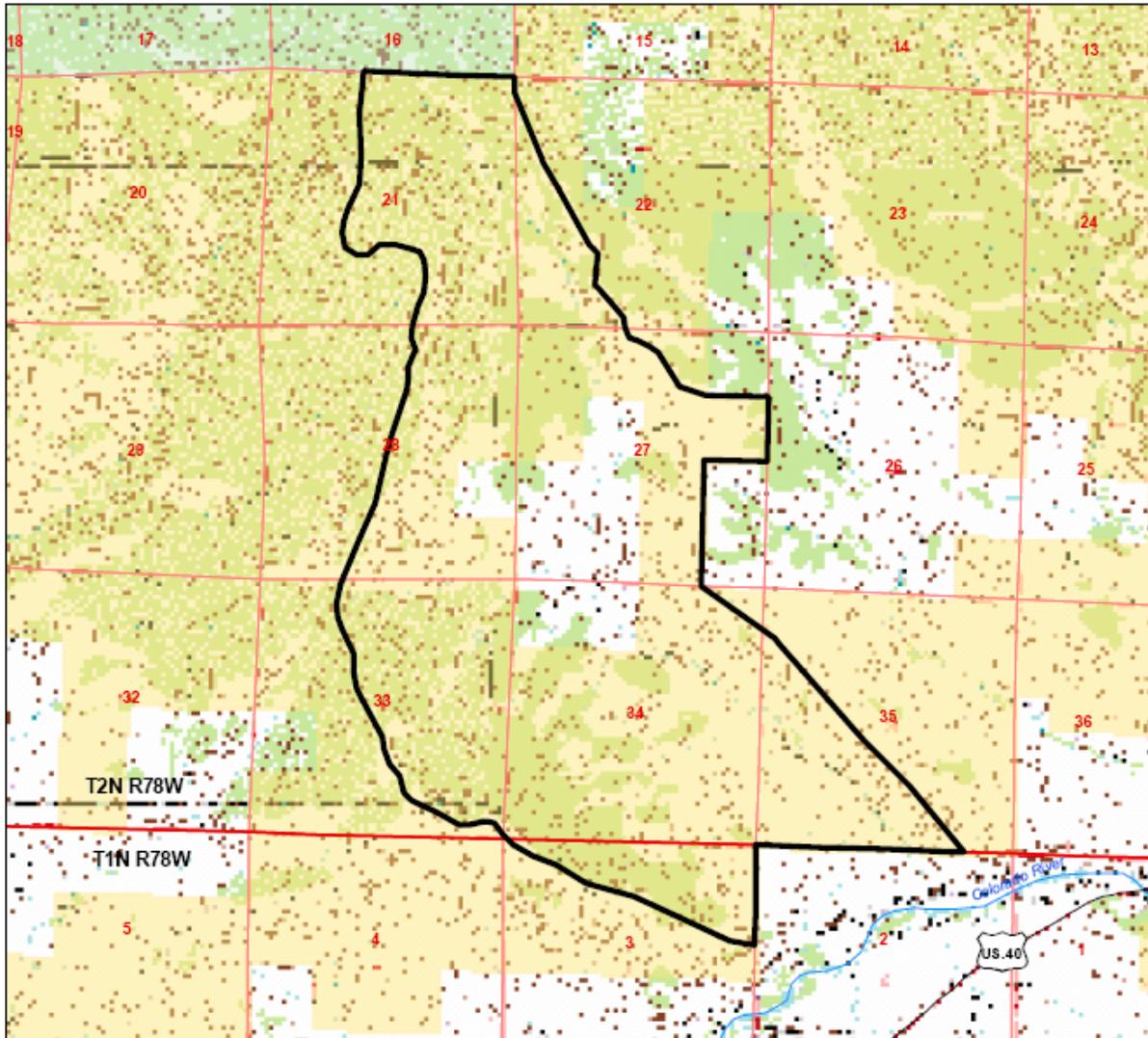
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Maps: Parshall
BLM, Kremmling FO 10/20/2008



07510 THOMPSON



Legend	
	County Roads
	Major Roads
	07510 THOMPSON
	Reservoirs
	Major Streams
	Wilderness Study Area
	ACEC
Land Status	
	Bureau of Land Mgt
	Division of Wildlife
	National Park
	National Rec Area
	National Wildlife Refuge
	Private
	State
	State Forest
	US Forest Service

0 0.2 0.4 0.8 Miles

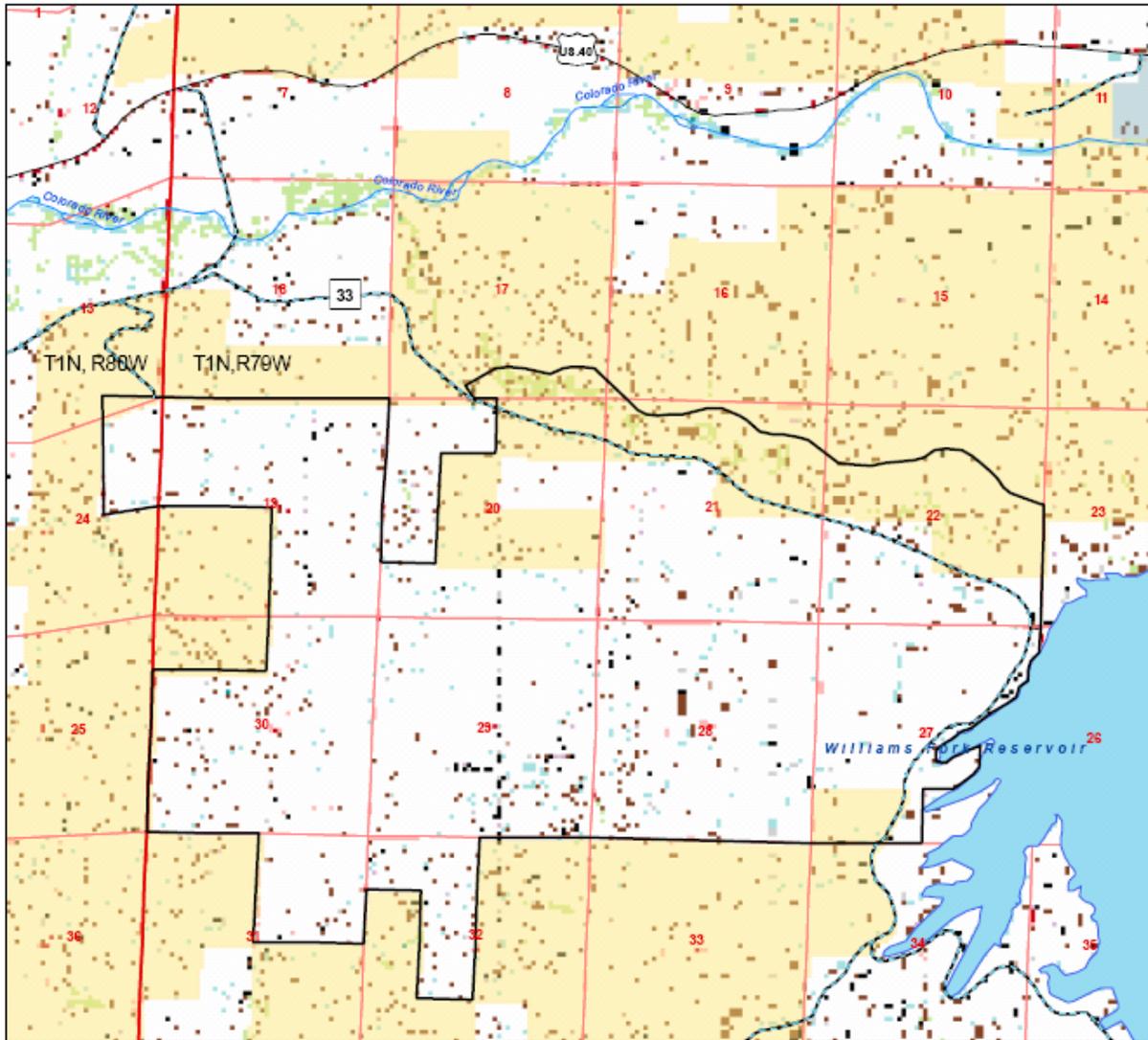
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No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Hot Sulphur Springs, Parshall, Cabin Creek, Corral Peaks
BLM, Kremmling FO 10/31/2008



07533 WEST CEDAR RIDGE



Legend

- County Roads
- Major Roads
- 07533 West Cedar Ridge

Land Status

- Bureau of Land Mgt
- Division of Wildlife
- National Park
- National Rec Area
- National Wildlife Refuge
- Private
- State
- State Forest
- US Forest Service

Miles

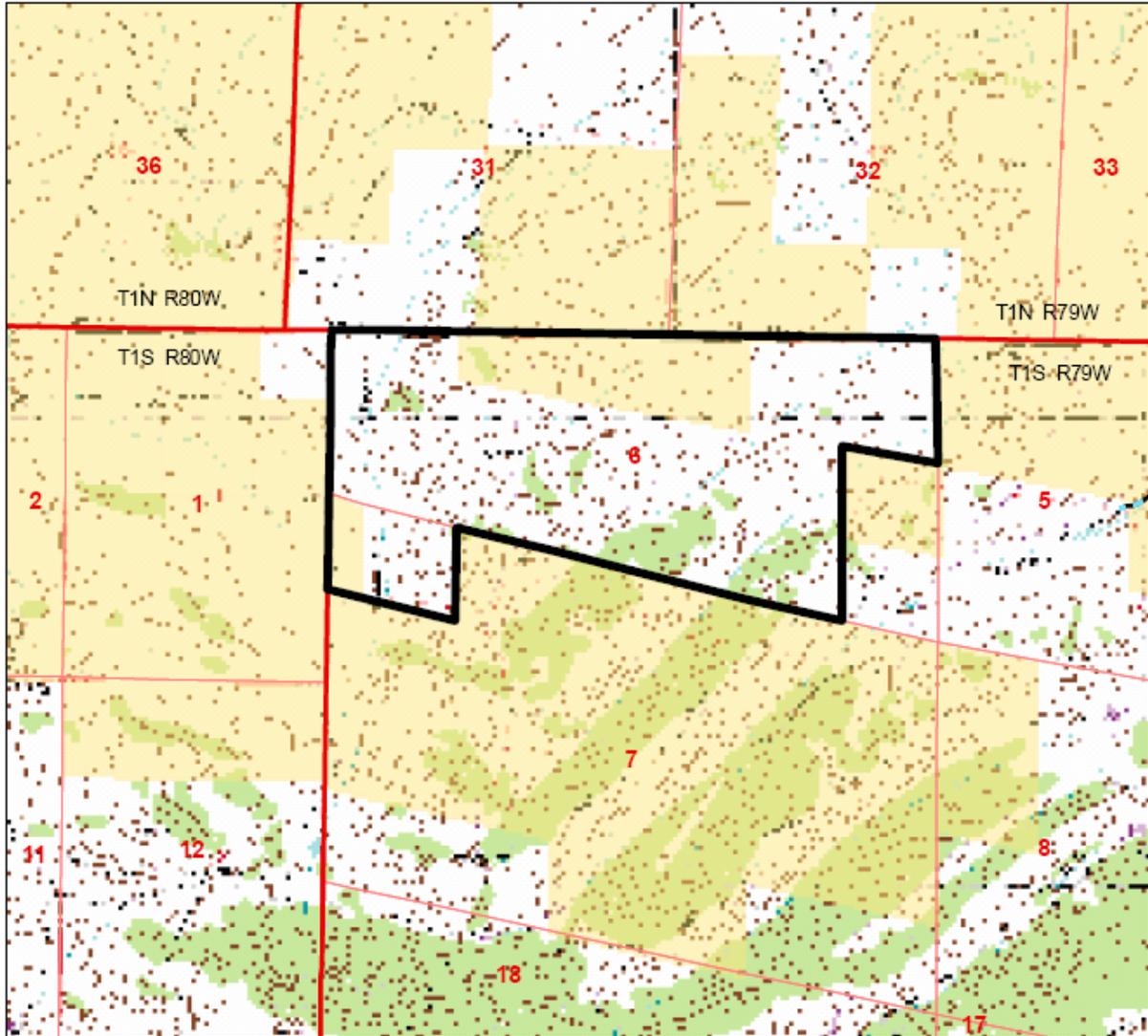
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No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Junction Butte, Parshall BLM, Kremmling FO 10/20/2008



07769 MAYHOFFER D



Legend	
	County Roads
	Major Roads
	Reservoirs
	Major Streams
	Wilderness Study Area
	ACEC
Land Status	
	Bureau of Land Mgt
	Division of Wildlife
	National Park
	National Rec Area
	National Wildlife Refuge
	Private
	State
	State Forest
	US Forest Service

0 0.1 0.2 0.4 Miles

1:24,000

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Junction Butte, King Creek
BLM, Kremmling FO 10/23/2008

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock Grazing: pages 6 and 8, as revised

Decision Language: Objectives of the RMP/ROD include allocation of a base level of livestock forage and maintaining or improving forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority. The RMP designated the project areas with a livestock grazing, wildlife, and forest products priorities. The proposed action is compatible with these designations.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11, Number: (D) (11) (a) (1-3), “(1) the same kind of livestock is grazed, (2) the active use previously authorized is not exceeded, and (3) grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease.” None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	Yes	No
2.1 Have significant impacts on public health or safety		X
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of historic Places as determined by either the bureau or office.		X
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have		X

significant impacts on designated Critical Habitat for these species.		
2.9 Violate a Federal Law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Bill B. Wyatt	Archaeologist	Cultural Resources/Tribal Consultation	1/20/2009
Megan McGuire	Wildlife Biologist	Wildlife, T/E, and Sensitive Species	1/21/09
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian	2/25/09
Frank Rupp	Paleontologist	Paleontology	3/2/09
Susan Cassel	Asst. Field Manager	NEPA	3/3/09

REMARKS:

Cultural Resources: Past actions have resulted in a cultural resource inventory to determine if those actions would cause potential adverse affects to known and unknown cultural resource sites from livestock grazing, motorized travel, and recreational use. When project undertakings are identified, a cultural resource inventory would be conducted to determine if sites are present and their eligibility, project effects, and mitigation requirements if necessary.

Native American Religious Concerns: Consultation was completed for the original allotment renewal. Future undertakings would require tribal consultation to identify traditional cultural properties.

Paleontology: No impacts to fossil resources from renewing permit, or the no action alternative. Proposed ground disturbing projects will be reviewed on a project by project basis to determine the need for paleontological inventory.

Threatened and Endangered Species: The proposed permit renewal would not impact Endangered, Threatened, or Sensitive Species.

COMPLIANCE PLAN: Compliance with the renewed livestock grazing permit and its associated terms and conditions would be accomplished through the Kremmling Field Office Range Management Program. Livestock grazing would be monitored by the range staff and other area personnel, as appropriate, to ensure compliance. The Kremmling Field Office Range Monitoring Plan would be used to schedule periodic utilization checks, collect trend data, and evaluate allotment condition. When activity plans have been developed covering an allotment, monitoring methods and schedules included in them would be applied to the allotment. Changes would be made to the permit, based on monitoring, when changes are determined necessary to protect land health.

NAME OF PREPARER: Richard Johnson

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

DATE: 3-2-09

ATTACHMENTS:

- 1) The following Livestock grazing permits/lease with standard terms and conditions:
 - Elk Mountain Ranch # 051730
 - Darwin (Kayo) Scholl # 051795
 - Duane Scholl # 050030
 - Jay Precourt # 051802
 - Gary Scheimer # 051812
 - Grand Colorado Ranches # 051921
 - Bruchez and Sons # 051706

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an extraordinary circumstance and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Peter McFadden

DATE SIGNED: 3/3/09